

Jail Population Management Subcommittee
of the
Sanford “Sandy” Krasnoff Criminal Justice Council

MEETING AGENDA

TUESDAY, October 17, 2017

1:30pm – 3:00pm

-
- | | | |
|------|--|----------------------|
| I. | Opening | Judge Calvin Johnson |
| II. | Highlights from the Safety & Justice Challenge
Convening | Judge Calvin Johnson |
| III. | Release on Recognizance Court Order & Expansion | Sarah Schirmer |
| IV. | Data on Jail Population Increase | Sarah Schirmer |
| V. | Discuss Subcommittee Response to Jail Population
Increase | Sarah Schirmer |
| VI. | Subcommittee Member Updates | Open to Members |

Criminal Justice Council Jail Population Management Subcommittee Minutes

October 17th 2017

On October 17, the Jail Population Management Subcommittee of the Criminal Justice Council convened at 1:40 pm in the 8th Floor Homeland Security Conference Room in City Hall. The following persons were present/absent:

Jail Population Management Subcommittee

Present:

Criminal Justice Commissioner Calvin Johnson –
Subcommittee Chair
Deputy Chief Paul Noel, New Orleans Police Department
Chief Defender Derwyn Bunton, Orleans Public Defenders
Director Gary Maynard, Orleans Parish Sheriff's Office
Virginia Ryan, Orleans Parish Sheriff's Office
Deputy City Attorney Charlene Larche-Mason
Judge Camille Buras, Criminal District Court
Councilmember Susan Guidry
Karen Wong, Community Representative
Al Christophe, Community Representative
Samantha François, Community Representative

Arrived Later:

Terrie Guerin, Clerk of Court's Office

Absent:

Chris Bowman, District Attorney's Office
District Administrator Steve Lasalle,
Probation & Parole
Judge Harry Cantrell, Criminal District Court
Jonathan Wisbey, Chief Administrative
Office

Office of Criminal Justice Coordination

Present:

Sarah Schirmer
Amanda Simpkins
DuBois Winford
Sai Ramchander
Shelbi Flynn

I. Opening

Commissioner Johnson welcomed everyone and called the meeting to order at 1:40 pm

II. Highlights from the Safety and Justice Challenge Convening

Commissioner Johnson spoke about the Safety and Justice Challenge Convening held last week in New Orleans. The convening was an opportunity to gather with 39 other jurisdictions implementing SJC projects and learn from one another. Highlights included: a panel of sheriffs who discussed their experiences leading reform efforts and a presentation by Right On Crime's Policy Director regarding conservative approaches to criminal justice reform.

Compared to other jurisdictions, New Orleans has been particularly successful in community engagement. We are one of few sites with a functioning community advisory group and the only site that has community group members as voting representatives on our Jail Population Management Subcommittee. Judge Johnson noted this is a tremendous asset and thanked the Community Advisory Group members for their commitment.

Terrie Guerin arrived at 1:45 pm.

III. Initiative Updates

Judge Johnson provided an update on the 10-day detention hearing stakeholders meeting that took place last week at Criminal District Court. Every relevant stakeholder, including representatives from the clerk's office, Probation and Parole, OPSO, and the DA met to discuss the 10-day detention hearing pilot that Judge Buras is implementing in section H. With everyone at the table, many of the process issues associated with the protocol were resolved and we have agreed to expand the pilot to two additional sections of court.

Sarah Schirmer provided an update on the court order to expand the use of Release on Recognizance in Magistrate court. All 13 judges signed the court order for all Magistrate Court Commissioners to use the M5 ROR pilot protocol when considering pre-trial release. Data will continue to be monitored and reviewed to track use of RORs and to ensure that failure to appear and re-arrest rates do not increase as a result.

Councilmember Guidry asked if the expansion would apply in all sections of Magistrate Court. Sarah Schirmer replied that the expansion includes M2-M5. While section M1 is not included at this time, we are continuing to work with Judge Cantrell to also implement in M1, despite historic resistance. CM Guidry noted that Judge Cantrell has about 40% of first appearances in M1 and impact will be limited without his participation.

IV. Data Presentation on Jail Population & Arrest Trends

Sarah Schirmer presented data on the jail population and arrest trends. The jail population has increased substantially in recent months. In Q3, the average daily population was 1,624- which exceeds the baseline population presented to the MacArthur Foundation before we began this work (1,617). Sarah stated the increase is of concern and referenced the mid-2019 target population of 1,277, which was set by calculating the cumulative impact of our SJC initiatives.

From Q2 to Q3, both misdemeanor and felony arrests increased, by 25 and 28 percent, respectively. When looking at arrests by charge, there are increases in every category, with substantial increases in charge categories that include domestic violence, theft, and non-violent weapons charges. The data suggests that arrests are up for both violent and non-violent offenses, with the proportion of each remaining consistent despite overall increase.

Al Christophe inquired about the increase in misdemeanor arrests and if summons could be issued instead.

A conversation ensued about NOPD policies and practices that have led to increased arrests. Chief Noel noted that as the focus of the NOPD has shifted away from response time and towards proactive policing, arrests have increased. He also noted that while State Police have the ability to issue municipal summons, they often work in multiple parishes on a rotating schedule, and are less familiar with municipal codes. Chief Noel acknowledged that there are too many misdemeanor arrests and committed to looking into solutions.

Commissioner Johnson will be meeting with the State Police this week and will discuss the issue of state vs municipal code.

The conversation shifted to domestic violence (DV) arrests. NOPD is focusing on DV and following protocol established by an extensive policy document. The policy is good overall, but has also created challenges and unintended consequences.

Judge Buras commented that the approach to DV used to be different, but that all DVs are now going to the State/CDC and it is overwhelming the courts. Derwyn Bunton indicated that DV cases in municipal

court had previously come under scrutiny, which contributed to these shifts. The current DV risk tool's questions about immediate harm may be escalating DV arrests - often once they get to court, things have simmered and those involved do not always want to press charges.

Chief Noel has observed that ~ 40% of these DV cases involve mental illness. This is a situation where the DV policy has an unintended effect. Since officers have limited discretion with DV charges, there aren't alternative approaches they can pursue when mental illness is involved. Karen Wong suggested evaluating the DV policy based on data as a way to explore areas of potential revision.

The DV program at CDC was also discussed. Judge Buras pointed out that the funding is largely for victim services, which presents problems when, for example, an offender cannot pay for mandated DV classes. Virginia Ryan has a contact who would like to pursue offering DV classes in jail, which may lessen this burden.

V. Next Meeting

Sarah Schirmer announced that NOPD has agreed to present data at next month's meeting and asked the group what kind of data or information they would be interested in reviewing. Responses included:

- Data on the intersection of mental health and domestic violence
- Number of arrests related to mental health
- Cases that are going to CDC that should be going to Municipal Court
- Unpack "proactive policing" - how can we measure this in practice

VI. Comments

A member of the public, Dr. Peter Scharf, inquired as to why we are so far from our goal jail population. Was there something wrong in the theory or are key people not engaging? Commissioner Johnson reminded us that we have had success in many of our initiatives and that even having everyone in this room talking through issues is substantial, because it was not happening before. Progress in this field, particularly here in New Orleans can be "glacial."

Chief Noel is excited about pre-booking deflection as a tool for his officers to use when encountering persons with mental health issues. Pre-booking deflection will be discussed at next month's meeting.

A member of the public, Janet Hayes, reminded the group that a large proportion of the jail population has a mental illness, the proportion of incarcerated individuals with mental illness far exceeds that of the general population. Assisted Outpatient Treatment has proved to be a successful alternative in other jurisdictions.

The meeting concluded at 2:56 pm.